

OGC Has Reviewed

file 74-1578
18 July 1974

MEMORANDUM FOR THE RECORD

SUBJECT: Meeting with Moorhead Committee Staff

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1. By arrangement, [REDACTED] and I met with Mr. Philips and Mr. Kronfeld of the Moorhead Subcommittee Staff by way of preliminaries for the appearance of the Director before the Moorhead Subcommittee on 1 August.

2. Mr. Philips' first question indeed was whether the Agency witness has yet been selected. We answered that Mr. Colby himself plans to testify unless there is an urgent matter to the contrary at the last minute.

3. The discussion then ranged over a number of areas, moving generally from small points to some more basic policy matters:

a. Our testimony should indicate the types of requests for declassification which we have denied under E. O. 11652, these having reference to the 18 CIA denials mentioned in the ICRC report.

b. Our testimony should describe the requests which were granted, or at least some of them. The ICRC report indicates there have been over 50 granted by CIA.

c. The kinds of people who have made requests, such as journalists, historians, former employees, etc. should be indicated. There was some interest in whether we handled requests for OSS documents the same way we deal with requests for CIA documents.

d. Both Mr. Philips and Mr. Kronfeld assured us they agreed that sources and methods are a special category and need to be protected. They advise that there is no intention to even report the bill this year. There is an intention to re-draft the present bill, hopefully in time to introduce the revision

before the end of the session and, if not, to introduce it early in the next session. He invited us to suggest language which would "solve our problems." There was no suggestion that we should try to do this in the course of the Director's testimony next month but it was a clear invitation to work with them in their efforts to revise.

e. Mr. Kronfeld responded favorably to [REDACTED] suggestion that because we are an intelligence agency, not a public service agency, we have special problems. Mr. Kronfeld, as a matter of fact, invited us to stress our non-public service character.

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f. DOD witnesses have included in their testimony discussion of classification problems with contractors. It may be that we will want to consider this item also.

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g. It was noted that on page 32 of the ICRC report that we have orientation and training programs and one of these was attended by 160 Agency people. In view of the fact that we have [REDACTED] persons authorized to classify, there was wonder as to why only 160 attended. Our response was that of course some of our people were overseas, some of those who attended were supervisory people, the Agency regulation is available to all, etc. This item also should be considered in preparation of our testimony.

h. Mr. Philips noted on page 23 of the ICRC report the fact that we have 4,500 more Top Secret documents than all of DOD. Why we do not have so many more? Surely Congressmen McCloskey or perhaps Moorhead will query our witness on this.

i. Mr. Kronfeld at one stage, indicated that the objective is to get a hold on the classification system, to somehow establish a mechanism to make sure that classification decisions are made correctly.

j. Mr. Kronfeld referred to the requirement in the Executive Order and the bill that information is not to be classified in order to hide mistakes or prevent embarrassment. I indicated I did not think that in fact this happens. They recited instances in DOD where it has.

k. Mr. Philips made clear that the staff, and I assume the Committee, are not wedded either to this bill or any alternate approach. The principle to which they are wedded is the basic one of the Freedom of Information Act that all information is available to the public unless it is within one of the exceptions and should not be made available.

l. In drafting the bill, and this refers back also to the item at subparagraph e above inviting us to propose language, the staff wants to give our problems every consideration.

STATINTL m. In response to a question by Mr. Kronfeld as to whether CIA opposes a statutory as distinguished from an Executive Order system, [REDACTED] indicated we are primarily concerned with the need for flexibility of a system. We did not go on record as opposed to any statutory system and I think it may be desirable to consider this in our testimony. Justice is to testify concerning the constitutional aspects of a statutory system but Mr. Kronfeld has no doubt whatsoever that the Congress may legislate in this field.

n. In response to Mr. Philips' request, we promised to let them have a copy of our proposed legislation which has been mentioned in the press and which of course is part of our Marchetti brief. We made clear, and they understand, that the legislation has not been approved by OMB and we would be furnishing it to the staff only for their background information.

o. We were told that the procedures for dissemination to Congress beginning on page 22, line 15, and continuing on through line 18 of page 27, H.R. 12004, may be disregarded. This language will be omitted in the forthcoming revision, since it was in H.R. 12462 which has been reported out.

p. In discussing our legitimate need concerning sources and methods, Mr. Kronfeld expressed his concern with the unclassified information included in our documents which are classified. He thought much of this information is very valuable and he referred to the position the Agency often takes that by far the large majority of intelligence is derived from open public sources. We indicated to him that Mr. Colby has started a number of programs to make more information available. I think this is an item we will want to stress in our testimony. We did not mention that Mr. Kronfeld's suggestion followed

closely the testimony of McGeorge Bundy before the Muskie Committee that CIA should become a Central Information Agency with a charter much broader than intelligence.

q. Mr. Philips also mentioned that the committee would want information on the data index system.

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Acting Deputy General Counsel

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